

# Union Calendar No. 154

106TH CONGRESS  
1ST SESSION

# H. R. 992

[Report No. 106-259]

To convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1999

Mr. DOOLITTLE introduced the following bill; which was referred to the Committee on Resources

JULY 26, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 4, 1999]

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## A BILL

To convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       *This Act may be cited as the “Sly Park Unit Convey-*  
5       *ance Act”.*

1 **SEC. 2. DEFINITIONS.**

2 *For purposes of this Act:*

3 (1) *DISTRICT.*—*The term “District” means the*  
4 *El Dorado Irrigation District, a political subdivision*  
5 *of the State of California that has its principal place*  
6 *of business in the city of Placerville, El Dorado Coun-*  
7 *ty, California.*

8 (2) *ORIGINAL CONSTRUCTION CONTRACT.*—*The*  
9 *term “original construction contract” means the re-*  
10 *payment contract between the District and the Sec-*  
11 *retary numbered 14–06–200–949, as amended and re-*  
12 *newed.*

13 (3) *PROJECT.*—*The term “Project” means all of*  
14 *the right, title, and interest in and to the Sly Park*  
15 *Dam and Reservoir, the Camp Creek Diversion Dam*  
16 *and Tunnel, and other conduits, canals, facilities,*  
17 *and property held by the United States pursuant to*  
18 *or related to the authorization in the Act entitled “An*  
19 *Act to authorize the American River Basin Develop-*  
20 *ment, California, for irrigation and reclamation, and*  
21 *for other purposes”, approved October 14, 1949 (63*  
22 *Stat. 852 chapter 690).*

23 (4) *SECRETARY.*—*The term “Secretary” means*  
24 *the Secretary of the Interior.*

25 (5) *SUPPLEMENTAL CONTRACTS.*—*The term*  
26 *“supplemental contracts” means the repayment con-*

1        *tracts between the District and the Secretary num-*  
2        *bered 14-06-200-7734, 14-06-200-4282A, and 14-*  
3        *06-200-8536A.*

4    **SEC. 3. CONVEYANCE OF PROJECT.**

5        *(a) IN GENERAL.—In consideration of the District ac-*  
6        *cepting the obligations of the Federal Government for the*  
7        *Project and upon the payment by the District of the net*  
8        *present value of the remaining repayment obligation of the*  
9        *District under the original construction contract, deter-*  
10       *mined in accordance with Office of Management and Budg-*  
11       *et Circular A-129 (as in effect on the date of enactment*  
12       *of this Act), the Secretary shall convey the Project to the*  
13       *District. Such conveyance shall be subject to a reversion in*  
14       *favor of the United States if the remaining repayment obli-*  
15       *gations of the District under the supplemental contracts are*  
16       *not completed in accordance with those contracts.*

17       *(b) DEADLINE.—*

18            *(1) IN GENERAL.—If no changes in Project oper-*  
19        *ations are expected following the conveyance under*  
20        *subsection (a), the Secretary shall complete the con-*  
21        *veyance expeditiously, but not later than 180 days*  
22        *after the date of the enactment of this Act.*

23            *(2) DEADLINE IF CHANGES IN OPERATIONS IN-*  
24        *TENDED.—If the District notifies the Secretary that it*

1        *intends to change Project operations as a result of the*  
 2        *conveyance under subsection (a), the Secretary—*

3                *(A) shall take into account those potential*  
 4                *changes for the purpose of completing any re-*  
 5                *quired environmental evaluation associated with*  
 6                *the conveyance; and*

7                *(B) shall complete the conveyance by not*  
 8                *later than 2 years after the date of the enactment*  
 9                *of this Act.*

10                *(3) ADMINISTRATIVE COSTS OF CONVEYANCE.—If*  
 11                *the Secretary fails to complete the conveyance under*  
 12                *this Act before the applicable deadline under para-*  
 13                *graph (1) or (2), the full cost of administrative action*  
 14                *and environmental compliance for the conveyance*  
 15                *shall be paid by the Secretary. If the Secretary com-*  
 16                *pletes the conveyance before that deadline, 1/2 of such*  
 17                *cost shall be paid by the District.*

18    **SEC. 4. RELATIONSHIP TO EXISTING OPERATIONS.**

19                *(a) IN GENERAL.—Nothing in this Act shall be con-*  
 20                *strued as significantly expanding or otherwise changing the*  
 21                *use or operation of the Project from its current use and*  
 22                *operation.*

23                *(b) FUTURE ALTERATIONS.—If the District alters the*  
 24                *use or operation of the Project it shall comply with all ap-*

1 *plicable laws or regulations governing such changes at that*  
 2 *time (subject to section 5).*

3 **SEC. 5. RELATIONSHIP TO CONTRACT OBLIGATIONS.**

4 (a) *ORIGINAL CONSTRUCTION CONTRACT.*—*Provision*  
 5 *of consideration by the District in accordance with section*  
 6 *3(a) shall extinguish all repayment obligations under the*  
 7 *original construction contract.*

8 (b) *SUBSEQUENT CONSTRUCTION CONTRACTS.*—

9 (1) *PAYMENT OBLIGATIONS NOT AFFECTED.*—  
 10 *Subject to paragraph (2), the conveyance of the*  
 11 *Project under this Act does not affect the repayment*  
 12 *obligations of the District under the subsequent con-*  
 13 *struction contracts.*

14 (2) *PREPAYMENT.*—*The District may at any*  
 15 *time prepay its remaining repayment obligations*  
 16 *under the subsequent construction contracts by ten-*  
 17 *dering to the Secretary the net present value, at that*  
 18 *time, of the remaining repayment obligations under*  
 19 *those contracts, determined in accordance with Office*  
 20 *of Management and Budget Circular A–129 (as in ef-*  
 21 *fect on the date of enactment of this Act). Effective on*  
 22 *the date of such tender, or on the date of completion*  
 23 *of all repayment obligations under the subsequent*  
 24 *construction contracts, whichever occurs first, any re-*

1        *versionary interest of the United States in and to the*  
2        *Project is extinguished.*

3        **SEC. 6. RELATIONSHIP TO OTHER LAWS.**

4        (a) *RECLAMATION LAWS.*—*Except as provided in sub-*  
5        *section (b), upon conveyance of the Project under this Act,*  
6        *the Reclamation Act of 1902 (82 Stat. 388) and all Acts*  
7        *amendatory thereof or supplemental thereto shall not apply*  
8        *to the Project.*

9        (b) *PAYMENTS INTO THE CENTRAL VALLEY PROJECT*  
10       *RESTORATION FUND.*—*The El Dorado Irrigation District*  
11       *shall continue to make payments into the Central Valley*  
12       *Project Restoration Fund until the year 2029. The Dis-*  
13       *trict’s obligation shall be calculated in the same manner*  
14       *as Central Valley Project water contractors.*

15       **SEC. 7. LIABILITY.**

16       *Except as otherwise provided by law, effective on the*  
17       *date of conveyance of the Project under this Act, the United*  
18       *States shall not be liable for damages of any kind arising*  
19       *out of any act, omission, or occurrence based on its prior*  
20       *ownership or operation of the conveyed property.*



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